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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/285,363	08/03/1994	RICHARD A. BECKER	129250-000947/US	5802
32498 7590 10/17/2011 CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC P.O. BOX 1995 VIENNA, VA 22183				
EXAMINER				
NGUYEN, PHU K				
ART UNIT		PAPER NUMBER		
2628				
MAIL DATE		DELIVERY MODE		
10/17/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

08/285,363

Applicant(s)

BECKER ET AL.

Examiner

PHU NGUYEN

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-38 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 33, 34 and 38 is/are rejected.
- 8) ☐ Claim(s) 35 is/are objected to.
- 9) ☒ Claim(s) 1-32, 36 and 37 are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

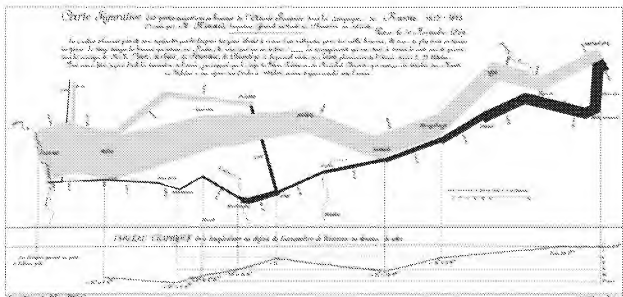
Paper No(s)/Mail Date: ____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minard's graph..

Charles Minard's graph (created 1869) showing the strength of the Grande Army as it marched to Moscow and back, with temperatures plotted on the lower graph for the return journey.



As per claim 33, Minard teaches the claimed "method of displaying graphics" comprising the steps of:

"displaying a plurality of symbols grouped into pair of symbols based on a predetermined relationship between the symbols forming a respective pair" (Minard, cities of Russia represented as nodes on the display);

"displaying a line between the symbols forming each of said pairs of symbols to represent the predetermined relationship between the pair of symbols" (Minard, the lines between the cities representing the number of soldiers marched on); and

"varying the thickness of said line as the predetermined relationship between a respective pair of symbols varies" (Minard, the thickness of the lines varies according to the number of soldiers marched on).

It is noted that Minard's graph does not teach "the display on a computer system." However, it would have been obvious to a person of ordinary skill in the art of computer graphics at the time the invention was made to provide an exact graph of Minard on a display of a computer because the computer is well known in use of display of images such as Minard's graph.

Similarly, claim 34 is rejected under the same reason.

Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 38 is rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over STUBBS (4.812,996).

As per claim 38, Stubbs teaches the claimed “dynamic graphics arrangement for use in a computer having a display” comprising
“means for displaying on said display a plurality of symbols representing respective data values” (Stubbs, the screen coordinate points are symbols representing waveform values; column 9, lines 29-39),
“means for displaying on said display at least one tool operative by a user of said computer to restrict the display of said symbols to only the symbols which meet a data criteria established by said user interacting with said displayed tool” (Stubbs, the vertical and horizontal component settings; column 10, line 57 to column 11, line 20), and
“means, responsive to said user interacting with said displayed tool, for dynamically updating said display so that only the symbols representing data values meeting the data criteria currently established as a result of said user interacting with said displayed tool are displayed on said display” (Stubbs, only samples within the setting ranges are displayed).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHU NGUYEN whose telephone number is (571)272-7645. The examiner can normally be reached on M-F/8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272 7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Phu K. Nguyen/
Primary Examiner, Art Unit 2628